

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DARREL JENKINS,)
vs.)
Plaintiff,)
vs.)
JOHN TROST, *et al.*,)
Defendants.)
Case No. 15-cv-00253-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the court on the Amended Report and Recommendation (“R & R”) (Doc. 53) of Magistrate Judge Donald G. Wilkerson with regard to Defendant Dr. John Trost’s Motion (Doc. 28) for Summary Judgment. There were no objections to the R & R.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjectionated portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the R & R is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the Report in its entirety (Doc. 53) and **GRANTS** Defendant Dr. John Trost's Motion (Doc. 28) for Summary Judgment. Dr. Trost was the only remaining defendant. As such, this matter is **DISMISSED** without prejudice. The Clerk of Court is **DIRECTED** to enter judgment accordingly.

The Court further finds that the Report and Recommendation (Doc. 43) is **MOOT** based on the filing of the Amended Report and Recommendation.

IT IS SO ORDERED.

DATED: 5/8/2017

s/J. Phil Gilbert
J. PHIL GILBERT
U.S. DISTRICT JUDGE